

[(ii) in subparagraph (B), by striking "organization" and inserting "organizations";

[(C) in paragraph (3)—

[(i) in subparagraph (A), by inserting "and the postmasters organization (or organizations)" after "supervisors' organization"; and

[(ii) in subparagraph (B), by striking "organization" and inserting "organizations"; and

[(D) in paragraph (4), by inserting "and the Postal Service and the postmasters organization (or organizations)";

[(5) in subsections (e)—

[(A) in paragraph (1), by inserting "and the postmasters organization (or organizations)" after "supervisors' organization";

[(B) in paragraph (2), by inserting "and the postmasters organization (or organizations)" after "The Postal Service"; and

[(C) in paragraph (3), by inserting "and the postmasters organization (or organizations)" after "supervisors' organizations";

[(6) in subsection (h)—

[(A) in paragraph (1), by striking "and" after the semicolon;

[(B) in paragraph (2), by striking the period and inserting a semicolon; and

[(C) by inserting after paragraph (2) the following:

[(3) 'postmasters organization' means, with respect to a calendar year, any organization whose membership on June 30th of the preceding year included not less than 20 percent of all individuals employed as postmasters on that date; and

[(4) 'postmaster' means an individual who is the manager-in-charge, with or without the assistance of subordinate managers or supervisors, the operations of a post office.";

[(7) by redesignating subsection (h) as subsection (j), and inserting after subsection (g) the following:

[(h)(1) If, notwithstanding the mutual efforts required by subsection (e) of this section, the postmasters organization (or organizations), believes that the decision of the Postal Service is not in accordance with the provisions of this title, the organization may, within 10 days following its receipt of such decision, request the Federal Mediation and Conciliation Service to convene a fact-finding panel (in this subsection referred to as the 'panel') concerning such matter.

[(2) Within 15 days after receiving a request under paragraph (1) of this subsection, the Federal Mediation and Conciliation Service shall provide a list of 7 individuals recognized as experts in supervisory and managerial pay policies. The postmasters organization (or organizations) and the Postal Service shall each designate 1 individual from the list to serve on the panel. If, within 10 days after the list is provided, either of the parties has not designated an individual from the list, the Director of the Federal Mediation and Conciliation Service shall make the designation. The first 2 individuals designated from the list shall meet within 5 days and shall designate a third individual from the list. The third individual shall chair the panel. If the 2 individuals designated from the list are unable to designate a third individual within 5 days after their first meeting, the Director shall designate the third individual.

[(3)(A) The panel shall recommend standards for pay policies and schedules and fringe benefit programs affecting the members of the postmasters organization (or organizations) for the period covered by the collective bargaining agreement specified in subsection (e)(1) of this section. The standards shall be consistent with the policies of this title, including sections 1003(a) and 1004(a) of this title.

[(B) The panel shall, consistent with such standards, make appropriate recommenda-

tions concerning the differences between the parties on such policies, schedules, and programs.

[(4) The panel shall make its recommendation no more than 30 days after its appointment, unless the Postal Service and the postmasters organization (or organizations) agree to a longer period. The panel shall hear from the Postal Service and the postmasters organization (or organizations) in such a manner as it shall direct. The cost of the panel shall be borne equally by the Postal Service and the postmasters organization (or organizations), with the Service to be responsible for one-half the costs and the postmasters organization (or organizations) to be responsible for the remainder.

[(5) Not more than 15 days after the panel has made its recommendation, the Postal Service shall provide the postmasters organization (or organizations) its final decision on the matters covered by factfinding under this subsection. The Postal Service shall give full and fair consideration to the panel's recommendation and shall explain in writing any differences between its final decision and the panel's recommendation.

[(i) Not earlier than 3 years after the date of the enactment of this subsection, and from time to time thereafter, the Postal Service or the postmasters organization (or organizations) may request, by written notice to the Federal Mediation and Conciliation Service and to the other party, the creation of a panel to review the effectiveness of the procedures and the other provisions of this section and the provisions of section 1003 of this title. The panel shall be designated in accordance with the procedure established in subsection (h)(2) of this section. The panel shall make recommendations to Congress for changes in this title as it finds appropriate."

[(b) TECHNICAL AND CONFORMING AMENDMENT.—

[(1) SECTION HEADING.—The section heading for section 1004 of title 39, United States Code, is amended to read as follows:

["§ 1004. Supervisory, postmaster, and other managerial organizations".

[(2) TABLE OF SECTIONS.—The table of sections for chapter 10 of title 39, United States Code, is amended by striking the item relating to section 1004 and inserting the following:

["1004. Supervisory, postmaster, and other managerial organizations."]

[SEC. 3. EFFECTIVE DATE.

["The amendments made by this Act shall take effect 60 days after the date of enactment of this Act.]"

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postmasters Equity Act of 2003".

SEC. 2. POSTMASTERS AND POSTMASTERS' ORGANIZATIONS.

(a) **PERCENTAGE REPRESENTATION REQUIREMENT.**—The second sentence of section 1004(b) of title 39, United States Code, is amended—

(1) by inserting "that an organization (other than an organization representing supervisors) represents at least 20 percent of postmasters," after "majority of supervisors."; and

(2) by striking "supervisors" and inserting "supervisors or postmasters)".

(b) **CONSULTATION AND OTHER RIGHTS.**—Section 1004 of title 39, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

["(h)(1) In order to ensure that postmasters and postmasters' organizations are afforded the same rights under this section as are afforded to supervisors and the supervisors' organization,

subsections (c) through (g) shall be applied with respect to postmasters and postmasters' organizations—

“(A) by substituting ‘postmasters’ organization’ for ‘supervisors’ organization’ each place it appears; and

“(B) if 2 or more postmasters’ organizations exist, by treating such organizations as if they constituted a single organization, in accordance with such arrangements as such organizations shall mutually agree to.

“(2) If 2 or more postmasters’ organizations exist, such organizations shall, in the case of any factfinding panel convened at the request of such organizations (in accordance with paragraph (1)(B)), be jointly and severally liable for the cost of such panel, apart from the portion to be borne by the Postal Service (as determined under subsection (f)(4)).”.

(c) **DEFINITIONS.**—Subsection (i) of section 1004 of title 39, United States Code (as so redesignated by subsection (b)(1)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (2) the following:

“(3) ‘postmaster’ means an individual who is the manager in charge of the operations of a post office, with or without the assistance of subordinate managers or supervisors;

“(4) ‘postmasters’ organization’ means an organization recognized by the Postal Service under subsection (b) as representing at least 20 percent of postmasters; and

“(5) ‘members of the postmasters’ organization’ shall be considered to mean employees of the Postal Service who are recognized under an agreement—

“(A) between the Postal Service and the postmasters’ organization as represented by the organization; or

“(B) in the circumstance described in subsection (h)(1)(B), between the Postal Service and the postmasters’ organizations (acting in concert) as represented by either or any of the postmasters’ organizations involved.”.

(d) **THRIFT ADVISORY COUNCIL NOT TO BE AFFECTED.**—For purposes of section 8473(b)(4) of title 5, United States Code—

(1) each of the 2 or more organizations referred to in section 1004(h)(1)(B) of title 39, United States Code (as amended by subsection (b)) shall be treated as a separate organization; and

(2) any determination of the number of individuals represented by each of those respective organizations shall be made in a manner consistent with the purposes of this subsection.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendment be agreed to, that the bill, as amended, be read a third time and passed, and that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 678), as amended, was read the third time and passed.

AUTHORIZING COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment,

committees be authorized to report legislative and executive matters on Tuesday, August 26, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the today's Executive Calendar: Calendar Nos. 285, 312, 313, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State.

UNITED STATES INSTITUTE OF PEACE

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

FOREIGN SERVICE

PN778 Foreign Service nominations (101) beginning James M. Cunningham, and ending Howard M. Krawitz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 25, 2003.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR WEDNESDAY, JULY 30, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, July 30; I further ask unanimous consent that following the prayer and pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 14, the Energy bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I further ask unanimous consent that there be 2½ hours of debate in relation to the Cantwell amendment, with 30 minutes under the control of the chairman; further, that following the use or yielding back of time, the Senate proceed to a vote in relation to the Cantwell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I further ask unanimous consent that following that vote, the Senate proceed to 60 minutes of debate, with 30 minutes under the control of Senator LEAHY and 30 minutes under the control of myself, and that following that debate, the Senate proceed to the vote on the motion to invoke cloture on the Estrada nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will resume consideration of S. 14, the Energy bill. Under the previous order, there will be 2½ hours of debate remaining on the Cantwell amendment. Following the disposition of that amendment, there will be 60 minutes prior to the cloture vote on the Estrada nomination. This will be the seventh cloture vote on the Estrada

nomination. Following that vote, the Senate will resume consideration of the electricity amendment. It is expected that the Senate will be able to act on the two Bingaman second-degree amendments in a relatively short period of time. It is hoped that following those amendments, we will be able to reach an agreement as to when the Senate can dispose of the underlying electricity amendment, and the chairman will continue to work toward that agreement tomorrow. Senators should expect a very busy day tomorrow as the Senate continues to work through the energy-related amendments.

RECESS UNTIL 9 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 8:49 p.m., recessed until Wednesday, July 30, 2003, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 2003:

DEPARTMENT OF STATE

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

UNITED STATES INSTITUTE OF PEACE

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

CHARLES EDWARD HORNER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE NOMINATIONS BEGINNING JAMES M. CUNNINGHAM AND ENDING HOWARD M. KRAWITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2003.